

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1348 of 2005 (M/B)

Bhagwat Saran,
S/o Sri Ramnath,
R/o Jwala Line, Ram Nagar,
P.O. Ram Nagar,
District Nainital.

..... Petitioner

Versus

1. Almora Urban Cooperative Bank Ltd.
Branch Ram Nagar,
District Nainital,
Through its Manager,
Almora Urban Cooperative Bank Ltd.,
Branch Ram Nagar.
2. Collector, Nainital.
3. Tehsildar, Ram Nagar,
Tehsil Ram nagar,
District Nainital.
4. Irshad Hussain S/o Nanhe Thekedar,
R/o Bumbagher, Ram Nagar,
District Nainital.

..... Respondents

Mr. M.C. Bansal, Advocate for the petitioner.
Mr. Lalit Belwal, Advocate for respondent No. 1.

JUDGMENT

**Coram: Hon. Rajeev Gupta, C.J.
Hon. P.C. Verma, J.**

P.C. VERMA, J. (Oral)

1. By means of this writ petition, the petitioner has challenged the recovery proceedings initiated against him for the recovery of Bank loan.
2. Mr. Lalit Belwal, learned counsel for respondent No. 1 submitted that the recovery proceedings have been started in execution of the Award dated 29.04.2005 in Proceedings No. 6 of 2005 made under Section 71 of the Cooperative Societies Act. The petitioner had duly contested in the arbitration proceedings and the award was made, which was in his knowledge. This fact has not been disclosed in the writ petition and it appears to have been deliberately

suppressed. Thus, the petitioner has not come up with the clean hands. Even otherwise, the petitioner has not challenged the award before the appellate forum, which is provided under the U.P. Cooperative Societies Act. Hence, the award has become final between the parties.

3. Therefore, the writ petition, against the recovery proceedings in execution of the award, is devoid of merit. Hence, the writ petition is dismissed.

(P.C. Verma, J.)
16.02.2006

(Rajeev Gupta, C.J.)
16.02.2006

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